

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LAVON JAMES OWENS and
JARED LANCE HOWE,

Defendants.

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4:12CR3021

MEMORANDUM AND ORDER

Defendant Howe has orally moved to continue the trial of this case so he can confer with counsel and more fully understand the risks and benefits of entering a guilty plea or going to trial.. (Filing No. 34.) The trials of defendant's Owens and Howe have not been severed, (see [18 U.S.C. 3161 \(h\)\(6\)](#)). Moreover, Owen's rights under the Speedy trial Act will not be violated by a continuance because under the Act, "exclusions of time attributable to one defendant apply to all codefendants." [U.S. v. Arrellano-Garcia, 471 F.3d 897, 900 \(8th Cir. 2006\)](#).

Accordingly,

IT IS ORDERED:

- 1) Defendant Howe's motion to continue (filing no. 34), is granted.
- 2) **As to both defendants**, the trial of this case is continued and is now set to commence before the Honorable John M. Gerrard at 9:00 a.m. on September 4, 2012, or as soon thereafter as the case may be called, for a duration of four (4) trial days, in Courtroom 1, United States Courthouse, Lincoln, Nebraska. Jury selection will be held at commencement of trial.
- 3) Based upon the representations of defendant Howe's counsel, the Court further finds that the ends of justice served by continuing the trial of this case outweigh the best interest of the defendants and the public in a speedy trial. Accordingly, **as to both defendants**, the time between today's date and September 4, 2012 shall be excluded for speedy trial calculation purposes. 18 U.S.C. § 3161(h)(7).

June 20, 2012.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge